

(b) The interest of the claimant in the property and the interest that others may have in the property.

(c) Date and circumstances under which occupation of premises occurred and date of vacation. If under a lease, the lease number and date of lease.

(d) Inspection of the premises and determination of the amount of damages.

(e) If claim is for rental without formal lease or agreement, data as to the market and rental value of the property.

(f) Any other pertinent evidence the particular facts of the case require.

The above obligations of the Claims Officer does not relieve the claimant from the burden of proving his claim and it is the duty and obligation of the claimant to furnish such evidence within his particular knowledge as the Claims Officer may require.

Upon completion of his investigation the Claims Officer prepares a report setting forth completely but briefly the nature and amount of the claim, all pertinent facts necessary to determine the rights and liabilities of the claimant and the Government, and the Claims Officer's conclusions and recommendations as to allowance or disallowance of the claim in whole or in part and reasons therefor, including citations to any laws, statutes, or other decisions which it is believed will substantiate his recommendation.

§ 211.24 Disposition of claims.

(a) *Real estate claims for damages.* Real estate claims for damages not exceeding \$1,000 may be settled by the Division Engineer. If the Division Engineer allows the claim in toto it is transmitted to the local Disbursing Officer who transmits a check to claimant in payment of the claim. Where the claim is disallowed by the Division Engineer, in whole or in part, the claimant is so advised and in the event that he is unwilling to accept the decision of the Division Engineer, he may appeal within 30 days after receipt of such notice, through the Division Engineer's Office, to the Secretary of the Army. This appeal should state in full reasons for not accepting the Division Engineer's award.

(b) *Claims for damages in excess of \$1,000.* Claims for damages in excess of

\$1,000 arising out of the use and occupancy of real estate under an agreement, express or implied, or otherwise, are forwarded to the General Accounting Office for settlement.

(c) *Claims for rent or other payments.* Claims for rent or other payments of a contractual nature regardless of amount arising out of the use and occupancy of real estate under an agreement, express or implied, or otherwise, are forwarded to the General Accounting Office.

(d) *Mixed claims for rental and damages.* When a claim arising from the use and occupancy of real estate has been received, the elements of the claim are first determined. If the claim is for damages not in excess of \$1,000 and rental, these elements are if practicable, separated and the damages settled under AR 25-25, otherwise the claims are forwarded to the General Accounting Office for direct settlement.

FEDERAL JURISDICTION OVER REAL ESTATE

AUTHORITY: Sections 211.25 through 211.28 issued under R.S. 161; 5 U.S.C. 301.

SOURCE: 13 FR 8751, Dec. 30, 1948, unless otherwise noted.

§ 211.25 General considerations in the acquiring of Federal jurisdiction.

(a) *Laws governing the acquisition of Federal jurisdiction—*(1) *Constitution of the United States.* By Article 1, Section 8, Clause 17, of the Constitution, Congress has the power to exercise exclusive legislation in all cases in the District of Columbia and to exercise like authority over all land acquired by the United States with the consent of the legislature of the State in which the land is located for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

(2) *Section 355, Revised Statutes of the United States.* Under this section as amended by the acts of Congress approved February 1, 1940 (54 Stat. 19) and October 9, 1940 (54 Stat. 1083; 40 U.S.C. 255), jurisdiction over lands acquired by the Department of the Army does not vest until the Secretary of the Army has indicated acceptance of such jurisdiction by filing a notice of acceptance